

RELINQUISHMENT TO UNITED STATES OF PRIVATE LANDS WITHIN PUBLIC PARKS IN CALIFORNIA.

FEBRUARY 26, 1904.—Ordered to be printed.

Mr. BARD, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 3376.]

The Committee on Public Lands, to whom was referred the bill (S. 3376) to authorize the Secretary of the Interior to acquire for the the Government, by exchanges of public lands, the ownership of the private lands within certain public parks in the State of California, have had the same under consideration and report it back with the recommendation that the bill do pass.

This bill (S. 3376) is identical with the bill proposed by the Secretary of the Interior in his annual report for the year ended June 30, 1903, and is similar to the bill suggested by the Secretary as a substitute for H. R. 14511, Fifty-seventh Congress, second session, upon which your committee reported favorably on February 16, 1903 (S. Rept. No. 3050, 57th Cong., 2d sess).

This bill, if enacted into law, would permit the Secretary of the Interior, at his discretion, to exchange public lands of like area and value, and which are vacant, unappropriated, and not required for reservoir sites or other public uses or purposes, for tracts of land covered by an unperfected bona fide claim or by a patent, and situated within the limits of the national parks in the State of California.

These parks were created in 1890 by acts of Congress which arbitrarily included these private lands within their limits.

Yosemite National Park, created by act of October 1, 1890 (26 Stat. L., 650).

Sequoia and General Grant national parks, created by act of September 25, 1890 (26 Stat. L., 478).

The owners of private lands within the parks have never been given the privilege of relinquishing their holdings to the Government and of selecting vacant public lands in other localities, as was given to owners of private lands in forest reserves by act of Congress approved June 4, 1897.

The House report favoring passage of H. R. 14511, Fifty-seventh Congress, second session, contained the following statements which are adopted by your committee as a part of this report:

It is an anomalous situation that there should be within national parks land held in private ownership. The inclusion within national parks of private lands practi-

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cally amounts to the deprivation of the owners of the free use and occupation of their property and lessens greatly the value of these holdings. The owners of these lands are compelled annually to pay to the counties in which the lands are situated and to the State of California taxes, and at the same time, by reason of the rules and regulations governing the administration of the parks, they are forbidden the free use and occupation of their property, or at least their control of their property is so hampered by these rules and regulations as to seriously interfere with the right of enjoyment of their lands.

Legislation for this purpose has been recommended repeatedly by different Secretaries of the Interior since the establishment of these parks. It has also been repeatedly recommended by the various superintendents of the parks. The honorable Secretary of the Interior, in his report for the year 1898, in discussing this subject, states as follows:

"So long as these private interests are permitted to remain within these reserves just so long will there be trouble and annoyance to this Department in their protection. Some provision should therefore be made at an early day looking to the extinguishment of these holdings in order that the reserves may be, as an entirety, the property of the Government, as in that way alone are they susceptible of being satisfactorily protected."

In his report for the year 1901 the Secretary of the Interior says:

For administrative purposes it would be better if private holdings were eliminated from the park, and to that end Congress should authorize the purchase of these lands or extend to the national parks in California so much of the act of Congress approved June 4, 1897 (30 Stat., 36), as permits the relinquishment by owners of tracts of land in the several forest reservations and the selection in lieu thereof of vacant lands in other localities which are open to settlement.

No school lands are embraced within the General Grant National Park.

The adverse holdings within the three parks named in the bill may, then, be briefly summed as follows:

	Aces.
Patented to individuals	55, 415. 96
Patented to the State of California.....	1, 556. 97
Retained by the State (school lands)	8, 147. 05
Entire area of adverse holdings.....	65, 119. 98

The following memorandum is a statement of the kind, number, and area of private entries of lands within the parks named in the bill under consideration:

YOSEMITE NATIONAL PARK.

Kind of entry.	Number of entries.	Area.
		<i>Aces.</i>
Timber land	265	41, 612. 08
Cash	46	6, 763. 80
Final homestead	40	5, 934. 95
Mineral	4	52. 26
Total private	355	54, 363. 09
State school-indemnity selection		80

SEQUOIA NATIONAL PARK.

Timber land	2	200
Final homestead	5	692. 87
Total private	7	892. 87
State swamp-land selections		1, 476. 97

GENERAL GRANT NATIONAL PARK.

Final homestead		160
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There are no pending claims of record here involving any of the lands in said parks. The Yosemite National Park embraces 54,093 acres of school lands (sections 16 and 36), of which the State still retains 6,986.27 acres, the balance having been relinquished to the Government as basis for State school land indemnity selections filed since the creation of said park; and out of a total of 8,960 acres of school land embraced in the Sequoia National Park the State still retains (unused as basis for indemnity selections) 1,160.78 acres.

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